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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

PETER J. MUNOZ, JR.,

Plaintiff,

v.

HOWARD SKOLNIK, *et al.*

Defendants.

Case No. 2:10-cv-01564-RLH-RJJ

**MOTION FOR ENLARGEMENT OF TIME
(FIRST REQUEST)**

DEFENDANTS MINOR ADAMS, CHERYL BURSON, LARR GREEN, and TANYA HILL (hereinafter, "Defendants"), by and through legal counsel, CATHERINE CORTEZ MASTO, Attorney General of the State of Nevada, and RAELENE K. PALMER, Deputy Attorney General, hereby respectfully submit the instant MOTION FOR ENLARGEMENT OF TIME (FIRST REQUEST) in the above-referenced matter. This Motion is brought pursuant to FED. R. Civ. P. 6(b), 81(c), LR 6-1, the attached Points and Authorities, and the papers and pleadings on file with the Court herein.

MEMORANDUM OF POINTS AND AUTHORITIES

I. PROCEDURAL HISTORY

Plaintiff first commenced an action on or about February 11, 2011, naming the above defendants and Howard Skolnik. (CD #8). On March 1, 2011, this Court screened the Complaint and dismissed Defendant Skolnik from suit. (CD #9). The Court also ordered the Attorney General's Office to advise the Court within 21 days whether service could be

1 accepted for the remaining named defendants and to file an answer or other responsive
 2 pleading within 30 days thereafter. *Id.* Service was accepted for all Defendants on March 22,
 3 2011, (CD #10); therefore their answers are presently due by April 21, 2011, (CD #9).

4 Defendants hereby submit the instant Motion for Enlargement of Time (First Request)
 5 to answer or otherwise respond to Plaintiff's Complaint as follows:

6 **II. LEGAL ARGUMENT**

7 Defendant is requesting an extension of the current response deadline. FED. R. CIV. P.
 8 6(b)(1)(A) provides, in pertinent part:

9 (b) *Extending Time.*

10 (1) *In General.* When an act may or must be done within a
 specified time, the court may, for good cause, extend the time:

11 (A) with or without motion or notice if the court acts, or if a
 request is made, before the original time or its extension expires[.]

12 Rule 6(b)(1) allows for a party to move for an enlargement of time, the determination of
 13 which lies with the presiding court. "The Court has inherent power and discretion to control its
 14 docket, and the proceedings within the cases on its docket." *Ford v. County of Missoula,*
 15 *Mont.*, 2010 WL 2674036, 1 (D. Mont., 2010) (citing *Landis v. North American Co.*, 299 U.S.
 16 248, 254 (1936); see also FED. R. CIV. P. 6(b) (advisory committee note, 1946) ("Rule 6(b) is a
 17 rule of general application giving wide discretion to the court to enlarge these time limits or
 18 revive them after they have expired...").

19 The Las Vegas Office of the Attorney General Litigation Division has recently had a
 20 temporary, forty-percent staff reduction from five to three attorneys.¹ As such, Defendants
 21 submit that additional time is needed to gather key pieces of information which are necessary
 22 to effectively defend in the instant action and properly respond to Plaintiff's Complaint. Since
 23 receiving Plaintiff's Complaint, the Attorney General's Office has been in contact with the
 24 named Defendants to inform them of the pending lawsuit concomitant with a request for
 25 information, including a statement of personal knowledge of the events described in the
 26 Complaint; all of the requested information has not yet been received.

27 Therefore, Defendants respectfully request a forty-five (45) day enlargement of time in
 28

¹ See Affidavit of RAELENE K. PALMER, attached hereto as "Exhibit A."

1 which to file an answer or otherwise respond to Plaintiff's Complaint to and including June 6,
2 2011. This request is made in good faith and not for purposes of delay.

3 **III. CONCLUSION**

4 As there will be no prejudice to Plaintiff, and because good cause has been shown, the
5 Defendants respectfully request that the Court enlarge the time by which they must file a
6 response to Plaintiff's Complaint pursuant to FED. R. CIV. P. 6(b) to a period of forty-five (45)
7 days to and including June 6, 2011.

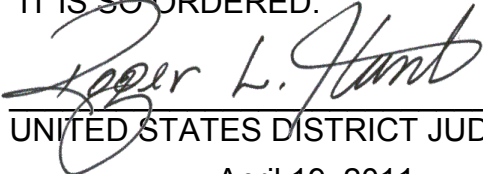
8 Dated this 18th day of April, 2011.

9 Respectfully submitted,

10 CATHERINE CORTEZ MASTO
11 Nevada Attorney General

12 By: /s/ RAELENE K. PALMER
13 RAELENE K. PALMER
14 Deputy Attorney General
15 Public Safety Division
16 *Attorney for Defendant*

17 "IT IS SO ORDERED:

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19 UNITED STATES DISTRICT JUDGE,
20 DATED: April 19, 2011 ”
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CERTIFICATE OF SERVICE

I, Gina C. Long, hereby certify that I am an employee of the State of Nevada, Office of the Attorney General and that on the 18th day of April, 2011, I served the foregoing **MOTION FOR ENLARGEMENT OF TIME (FIRST REQUEST)** by causing a true and correct copy thereof to be filed with the Clerk of the Court using the CM/ECF system and by causing a true and correct copy thereof to be delivered to the Department of General Services, for mailing at Las Vegas, Nevada, addressed to the following:

PETER J. MUNOZ, JR. #94605
WARM SPRINGS CORRECTIONAL CENTER
3301 E. 5TH ST.
P.O. Box 7007
CARSON CITY, NV 89702
Plaintiff Pro Se

/s/ Gina C. Long
An employee of the Office of the Attorney General

Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

EXHIBIT A

EXHIBIT A

AFFIDAVIT OF RAELENE K. PALMER

STATE OF NEVADA)
) ss:
 CLARK COUNTY)

I, RAELENE K. PALMER, being first duly sworn, hereby state:

1. I present this Affidavit in support of a motion to extend time to file an answer or other response to Plaintiff Peter J. Munoz, Jr.'s Complaint in *Munoz v. Skolnik, et al.*, United States District Court for the District of Nevada Case Number 2:10-cv-01564-RLH-RJJ. I have personal knowledge of and am competent to testify regarding the matters stated in this Affidavit.

2. I am an attorney licensed to practice in the State of Nevada, and I am admitted to practice in the United States District Court for the District of Nevada.

3. I am currently employed as a Deputy Attorney General at the Nevada Office of the Attorney General, Bureau of Litigation, Public Safety Division, NDOC Unit, in Las Vegas Nevada.

4. The NDOC Unit in Las Vegas is comprised of five attorneys who, among other things, are responsible for defending the NDOC and its employees against inmate civil rights actions.

5. One of the five attorneys recently transferred to another unit and another, the former Unit supervisor, who was also the lead counsel on the instant case, tendered her resignation effective March 25, 2011.

6. I, along with the two remaining attorneys, am now responsible for the increased caseload until these vacancies are filled; a new attorney is expected to assume responsibilities for one of the vacancies beginning April 25, 2011.


7. I am scheduled to be out of town beginning April 19, 2011, and expect to return to the office on April 25, 2011.

8. Because of the significantly increased caseload with similarly lingering deadlines, I am respectfully requesting a 45-day continuance in this matter to gather additional information necessary to properly defend and respond to the instant case.

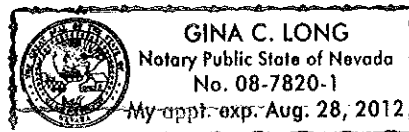
9. I have requested this information from Defendants and anticipate receipt of such in time to file a response, as requested.


1 10. I aver that the request for a 45-day continuance in this matter is made in good faith and
2 not for the purposes of delay.

3
4 DATED this 18th day of April 2011.

5
6 
7 RAELENE K. PALMER
8 Deputy Attorney General
9 Public Safety Division
10 Bureau of Litigation
11 Nevada Office of the Attorney General

12 SUBSCRIBED AND SWORN to before
13 me this 18th day of April 2011.



14 
15 NOTARY PUBLIC in and for
16 said County and State.

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